

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

HAROLD JOSEPH KENDALL
Individually, and as
the Administrator of the
ESTATE OF SHANE MIGUEL
KENDALL,

Plaintiffs,

v.

FULTON COUNTY, GEORGIA,
NAPCARE, INC.
SHERIFF PATRICK LABAT,
in his individual capacity and in his
official capacity as Sheriff of
Fulton County, Georgia,
MICHAEL AGYEI, individually and,
EDITH NWANKWO, individually,

Defendants.

CIVIL ACTION NO.
1:23-cv-00416-JPB

**DEFENDANTS' AMENDED MOTION TO DISMISS PURSUANT TO FED.
R. CIV. P. 12(b)(6)**

COME NOW Fulton County, and Sheriff Patrick Labat, by and through undersigned counsel and in their official capacities, and hereby file this Amended Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6). The legal authority supporting this motion is filed contemporaneously herewith.

Respectfully submitted, this 24th day of February, 2023.

**OFFICE OF THE FULTON
COUNTY ATTORNEY**

Y. Soo Jo
Fulton County Attorney

Kaye W. Woodard-Burwell
Deputy County Counsel
Georgia Bar No. 775060

Brad Bowman
Supervising County Counsel
Georgia Bar No. 215007

/s/ *Sandy Milord*
Sandy Milord
Senior Assistant County Counsel
Georgia Bar No. 622391

**ATTORNEYS FOR FULTON
COUNTY AND SHERIFF
PATRICK LABAT**

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CERTIFICATE OF SERVICE

THIS CERTIFIES that on February 24, 2023, I have presented this document in Times New Roman, 14-point type, and that I have electronically filed the foregoing **DEFENDANTS' AMENDED MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(6)** with the Clerk of Court using the CM/ECF system, which will provide email notification to the following counsel of record:

Rachel Kaufman

Kaufman Law Firm, LLC
133 Nassau Street NW
Atlanta, GA 30303-2035

This 24th day of February, 2023.

/s/ **Sandy Milord**
Sandy Milord
Senior Assistant County Counsel
Georgia Bar No. 622391

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